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Those Confusing Looseleaves — Some Thoughts on their Management

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This article, like many others, is the result of a conversation with a colleague. In this conversation, my colleague from a general academic library expressed a great deal of confusion and anxiety regarding the expense and management of publications in the looseleaf format and suggested I "write something about it." While working with this particular genre of publication is an everyday occurrence for most law librarians, for those in public and general academic libraries, looseleaf publications fall into the category of a specialty publication. In this article I hope to provide some background and some ideas for simplifying the management of looseleaf publications. Looseleaves can be a substantial commitment of time, money, and labor, so managing them effectively should be a high priority in any environment.

One of the first tasks in looseleaf management is to define the publication. **Pamela Bluh**, assistant director of technical services at the Marshall Law Library, University of Maryland in Baltimore, defines the looseleaf as "a publication comprised of individual loose pages kept together in a binder from which pages, either individually or in groups, may be easily removed or added."¹ (Bluh, p.63) The reason for removing and adding pages is an attempt to keep the publication up-to-date. This idea of currency is crucial in the practice of law, as today's decision may overturn yesterday's rulings and set a new precedent in the handling of a specific legal problem. This need to be current with the latest information is the reason for the appearance of the looseleaf format in the fields of medicine, scientific research, and business.

Looseleaf publications are structural in several ways. **Michael Petit**, Associate director of Technical Services at the D.C. School of Law Library, defines three basic types in his excellent article entitled "The Evaluation, Selection, and Acquisition of Looseleaf Publications." Mr. Petit first makes the distinction between a "sequential" and an "interfiled" looseleaf service. Sequential looseleaf publications "receive periodical supplements filed either before or after existing pages within the set."² (Petit, p.418) Mr. Petit adds that these supplements are designed to be routed to interested parties and then filed within the larger set and are often eventually replaced with bound

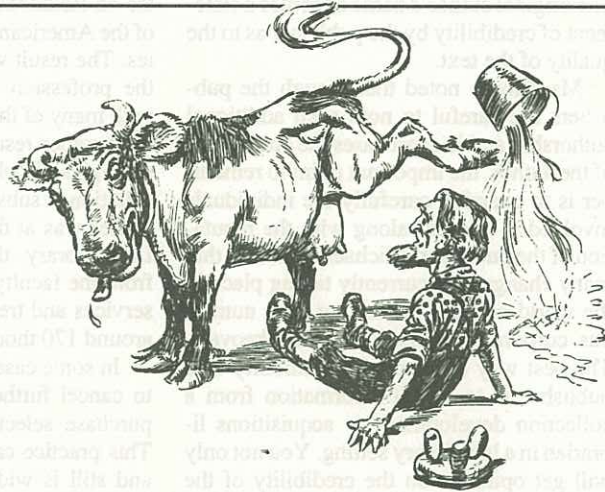
volumes on transfer binders. Transfer binders usually consist of a paper binder sent with instructions as to what parts of a looseleaf service are to be collected and stored within that binder. Once filed, the information within the transfer binder is considered complete and will no longer be supplemented. Usually the binder cover contains a description of the material contained within.

The next type of looseleaf as defined by Mr. Petit more closely resembles the original definition. Here only the pages where changes in the text have occurred are supplied with the parts of the corresponding table of contents and index pages. Most of these services "attempt to compile all relevant primary source materials on a specific topic in one set of books."³ (Ibid, p.418)

Primary source materials in a legal setting are those court decisions, statutes, or administrative regulations that are legally binding. This differs from what are known as secondary source materials which describe or otherwise elaborate a specific ruling or legal issue.

The final type of looseleaf publications are called looseleaf treatises. Mr. Petit indicates that "the supplements to these treatises can be both sequential and interfiled."⁴ (Ibid, p. 418) This mixed and combined approach to supplementation tends to create a new layer of complexity with regard to the filing of that supplementation. These titles are usually on a specific topic or subject area. A looseleaf treatise is one way to begin the process of legal research if you are unfamiliar with the topic. However, no competent researcher would consider even an up-to-date looseleaf treatise to be the sole source for their research. These treatises are used as a springboard to the relevant primary source and researchers often continue their research by using online sources such as Lexis and Westlaw to check the currency of the decisions.

The idea of currency leads us to one of the most controversial issues surrounding the looseleaf format, that of the claims by



looseleaf publishers that their publications provide the most up-to-date information on a specific topic. While currency of information is increasing with the addition of updating formats such as CD-ROM and software packages, it should be clearly understood that much of the supplementation information is at least three-to-six-months-old as of the time of filing. While the content value of the information is unaffected, the claim of most current information must be taken in context with the realities of acquiring, editing, and physically publishing the information found in looseleaf treatises. It should be noted that the sequential and interfiled looseleaf more closely approaches the concept of currency than the treatise as its supplementation tends to be more frequent.

The selection and evaluation of looseleaf publications entail multiple criteria. **Elaine Moore**, Acquisitions Librarian at the Law Library at Valparaiso University in Indiana, suggests "currency, credibility, comprehensiveness, and convenience."⁵ (Moore, p.212) In her study of 26 looseleaf titles in 1986, Ms. Moore found many titles lapsed in currency and found that "20 of the 26 titles had 1986 supplements but only eight of them cited 1986 cases."⁶ (Ibid, p. 213) In her examination of credibility, Ms. Moore discovered the trend toward multiple authorship found frequently in looseleaf treatises, often provided an illusion regarding the actual authorship.

In the practice of law as in other fields, some opinions are valued more highly than others, with a treatise by a noted legal scholar having more weight than that by a lesser

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known colleague. This has led to a practice of keeping that well-known author's name on a text long after his death with the subsequent editions actually being penned by a lesser-known, but no less competent, scholar. The original author's name becomes a statement of credibility by the publisher as to the quality of the text.

Ms. Moore noted that though the publishers are careful to note each additional authorship and in most cases the credentials of the author, the important point to remember is to examine carefully the individuals involved in the text along with the reputation of the publisher. Michael Petit adds that many changes are currently taking place in the world of legal publishing with numerous corporate acquisitions and takeovers. The best way to check the credibility of a publisher is to solicit information from a collection development or acquisitions librarian in a law library setting. You not only will get opinions on the credibility of the publisher, but also will obtain insights into the peculiarities and problems associated with that particular publisher. Try to get at least two separate opinions and listen carefully to the content and quality of the answers.

When checking the comprehensiveness of coverage, Ms. Moore advises that the looseleaf treatise should contain reference to primary legal sources, thoughtful analysis, and detailed appendix materials. They may also include various references to outside sources on the topic and even types of forms relevant to the subject area such as wills, trusts, and estates. Ms. Moore advises you to consider the audience for whom the title was designed. A treatise on Missouri Divorce should not be expected to cover the same topic in other states, though references to federal sources should be present.

Finally, you should question those involved on a daily basis about the usability of the set. Can your reference staff make quick referrals from the index to the text? In many cases you will need to refer to more than one volume at a time, so cross-references are essential. You do not read a looseleaf from cover to cover, but rather check only those sections that apply to your issue. Ms. Moore indicates that sequential supplementation is beneficial because of "the ease with which one can skim the supplement for new topics and developments."⁷ (Ibid p. 219)

Another significant issue is the cost of looseleaf materials which must include their upkeep. Those of us in law libraries saw a disturbing pattern of excessive yearly costs emerge in the 1980's with several major

looseleaf publishers. As shrinking budgets were being gobbled up, librarians raised the alarm and responded with several strategies for averting disaster. The first of these strategies was the monitoring of prices and reporting the finding in the online environment and in organization newsletters like *The CRIV Sheet*, the organ of the committee on Relations with Information Vendors of the American Association of Law Libraries. The result was increased awareness by the profession and an opening of dialog with many of these looseleaf publishers.

Another result was the development of strategies of collection evaluation and cancellation of subscriptions. In 1992 when this author was at the University of Cincinnati Law Library, the librarians — with input from the faculty — canceled 472 looseleaf services and treatises for a total savings of around 170 thousand dollars.

In some cases the library elected simply to cancel further supplementation and repurchase selected sets every three years. This practice called "write-for-order," was and still is widely employed today. Alan Story in his article on excessive looseleaf costs indicated that "one state law library projects its annual savings as high as \$25,000 by repurchasing new sets every two to three years while declining all interim up keep."⁸ (Story, p. 40)

Other options offered by the publishers include a "library program" consisting of an agreement between library and publisher to accept a certain number of publications for a specified fee. These programs allow the library to avoid the political problems of cancellations with patrons and the hassle of reviewing batches of publications every two or three years and labeling of noncurrent volumes.

The final result was a commitment by publishers to hold down costs and frequency of looseleaf supplementation. When looking at the purchase of a set, it pays to look over the previous year's supplementation costs which under FTC guidelines must be a part of any advertisement. Cost should not be a determining factor with regard to purchase, but care must be taken to keep track of the actual cost of maintaining looseleaf titles on your shelves.

A significant cost element, often overlooked by those involved in budgets, is the amount of staff time required to update a looseleaf service or treatise. The filing of looseleaf supplementation is a task that requires concentration and attention to detail. Many staff find the task tedious and boring. Pamela Bluh recommends filing shifts be scheduled for no more than two hours, as filers with shifts longer than that usually start to suffer from boredom⁹ (Bluh, p. 64), with costly mistakes being the inevitable

result. Training of staff in the procedures surrounding looseleaf filing is critical. One solution employed by the law library at the University of Virginia was to employ part-time people (in some cases retirees) who could only work a limited number of hours to do the looseleaf filing. Each person was assigned a specific number of titles with which he or she developed the familiarity necessary to avoid mistakes and recognize problems with the service. Other recommendations include assigning each staff member to a short period of filing or allowing student assistants to do the filing in a carefully supervised atmosphere. If no one has experience with filing looseleaf publications, remember that most sales representatives for looseleaf publishers are glad to teach the staff the proper methods. In fact, training should be insisted upon as a condition of purchase. The sales/account representative should also periodically accompany you to the stacks to review filing and the conditions of the binders. Most heavily used binders need replacement every five years. Replacement of worn binders should also be provided as an expected part of your subscription at no additional charge.


Finally, we come to the question of retention with regard to looseleafs. In early 1994, I conducted an informal survey on the LAW-LIB listserv with regard to how libraries handled those looseleaf services and treatises no longer supplemented. It should be noted that the popular wisdom in law libraries is that a nonsupplemented looseleaf retains a current value for up to three years beyond cancellation, hence the common write-for-order practice of repurchasing the title every two to three years.

The answers to the online retention survey fell into three categories. First, was "label and keep on shelves." Many librarians felt that even an out-of-date service provides a "snapshot" or "slice of life" picture of the law in a particular area. Others felt that such titles had at least some historical value for research and kept the book count from declining. Titles should be clearly labeled to prevent confusion. Second was "withdraw and toss." Several librarians viewed the looseleaf in an ephemeral manner. As one indicated, "with looseleafs, you have your basic integrity of the text constantly changing inside itself. Looseleafs are unique and need to be thought of in that way." These librarians advised withdrawal of titles no longer supplemented. Even a labeled volume can and will be assumed to be current. As to the idea that retained volumes provide a "snapshot" of the law, one librarian remarked that "the looseleaf as a snapshot may cut off the subject's head, if you will." The third category was "keep for

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a time and then withdraw." Finally, a third solution emerged which recognized that there may be research value remaining in a canceled looseleaf service, but, that once any remaining currency has been exhausted, the titled should be withdrawn. Time frames ranged from six months to two years. During this period the title should be clearly marked as to the last formal release. A "tickle file" is kept as the title is pulled and withdrawn.

It should be clear that one short article cannot cover all the issues surrounding the acquisition and maintenance of looseleaf publications. For this reason I've included a bibliography of well-written articles on various aspects of the topic, including the problems surrounding the descriptive cataloging of looseleaf publications which are in effect both monographs and serials. Since they first appeared in 1914, looseleaf services and treatises have presented those who purchased and managed them with challenges and sometimes confusion, yet they remain a valuable publication format. The new trend of supplying this type of current information for these services on CD-ROM will certainly change the nature of these publications and present an entirely new set of management-oriented challenges to the library community. 

Footnotes

- ¹Pamela Bluh, "Legal Looseleaves: no grounds for intimidation," *Serials Review*, 15, no.3, pp 63-66 (1989).
- ²Michael J. Petit, "The Evaluation, Selection, and Acquisition of Legal Looseleaf Publications," *Library Acquisitions Practice and Theory* 17, pp. 417-426 (1993).
- ³Ibid, page 418.
- ⁴Ibid, page 418.
- ⁵Elaine M. Moore, "Quality of looseleaf treatises: analysis of the publishers contributions," *Legal Reference Services Quarterly*, 8, no.1/2: 209-224 (1988).
- ⁶Ibid., page 213.
- ⁷Ibid., page 219.
- ⁸Allen C. Story, "Cost excess in supplementing looseleaf publications," *Law Practice Management* 18, pp38-40 (April 1992).
- ⁹Bluh, page 64.

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